

FIFTH AMENDMENT TO OPERATING AGREEMENT NO. 26085

26085

THIS FIFTH AMENDMENT TO OPERATING AGREEMENT NO. 26085 is made and entered, in duplicate, as of September 22, 2006 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on April 22, 2003, by and between ACE PARKING MANAGEMENT, INC ("Operator") and the CITY OF LONG BEACH ("City").

WHEREAS, the parties entered Agreement No. 26085 whereby Operator agreed to manage the parking services in City owned parking structures in the Downtown area; and

WHEREAS, the term of the Agreement has been extended and compensation increased accordingly in previous amendments; and

WHEREAS, the parties desire to extend the term again;

NOW, THEREFORE, in consideration of the mutual terms and conditions in Agreement No. 26085 and in this Amendment, the parties agree as follows:

1. Section 7 of Agreement No. 26085 is amended in its entirety to read as follows:

"Section 7. Term of Agreement. This Agreement shall commence on January 15, 1999, and shall terminate on December 31, 2006, provided, however, that City may terminate this Agreement by giving at least sixty (60) days notice to Operator. The City may extend the term of this Agreement for an additional 6 months by giving notice to Operator of its desire to extend at least thirty (30) days prior to expiration."

2. Except as expressly amended in this Fifth Amendment and as previously amended, to the extent consistent with this Amendment, all terms and conditions contained in Agreement No. 26085 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this document to be duly

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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 executed with all formalities required by law as of the date first stated above.

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3 9-27-06, 2006

ACE PARKING MANAGEMENT, INC.

By [Signature]
President

4
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6 9-27-06, 2006

John M. Bannardine
(Type or Print Name)

By Keith B. Jones
Secretary

Keith B. Jones
(Type or Print Name)

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9
10
11 9.29, 2006

"Operator"

CITY OF LONG BEACH

By [Signature]
City Manager

"City"

14 This Fifth Amendment to Agreement No. 26085 is approved as to form on
15 9/27, 2006

ROBERT E. SHANNON, City Attorney

By [Signature]
Senior Deputy

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